

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

HAROLD FORD,

Plaintiff,

v.

C.A. NO.: 4:13-cv-02598

HOUSTON INDEPENDENT SCHOOL DISTRICT,

Defendant.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW the Plaintiff, HAROLD FORD, by and through his undersigned counsel and sues the Defendant, HOUSTON INDEPENDENT SCHOOL DISTRICT, and in support thereof states as follows:

1. Plaintiff brings this action for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. §216(b).
2. Plaintiff is an individual residing in Harris County, Texas and who worked for Defendant from July 14, 2007 through January 2, 2012 as a custodian.
3. Defendant is a school district formed and existing under the laws of the State of Texas is authorized to conduct business in the State of Texas and at all times material to this complaint, maintained and operated in Harris County, Texas.
4. Jurisdiction is conferred on this Court by Title 28 U.S.C. §1337 and by Title 29 U.S.C. §216(b). At all times pertinent to this Complaint, Defendant was an enterprise engaged in interstate commerce. Additionally, Plaintiff was individually engaged in commerce and his work

was essential to Defendant's business. Venue is proper in this district under 28 U.S.C. § 1391 as the event giving rise to this complaint occurred in Harris County, Texas.

5. During one or more weeks of Plaintiff's employment with Defendant, Plaintiff worked in excess of forty (40) hours (overtime hours).

6. During one or more weeks of Plaintiff's employment with Defendant wherein Plaintiff worked overtime hours, Defendant failed to pay Plaintiff one and one-half times his regular rate of pay for each overtime hour worked.

7. The acts described in the preceding paragraphs violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek. Defendant willfully denied Plaintiff's right to overtime compensation under the FLSA.

8. As a result of Defendant's unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of overtime which was not paid and which should have been paid.

9. Plaintiff further seeks liquidated damages as a result of Defendant's willful failure and refusal to pay overtime in violation of Section 7 of the FLSA, 29 U.S.C. § 207.

10. Plaintiff also seeks compensation of the out of pocket expenses and costs of court he will incur in this action. Plaintiff is also entitled to reasonable and necessary attorneys fees pursuant to 29 U.S.C. § 216(b).

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that:

1. The Court assume jurisdiction of this cause and that Defendant be cited to appear;
2. The Court award damages to Plaintiff as specified above;

3. The Court award reasonable and necessary attorneys' and expert fees and costs;
4. The Court award Plaintiff pre- and post-judgment interest at the highest rates allowed.

Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

**JURY TRIAL DEMAND**

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted this 4<sup>th</sup> day of September 2013.

**ROSS LAW GROUP**

/s/

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